

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAMIEN BENSON,

Plaintiff,

No. 18-12958

v.

Hon. Nancy G. Edmunds

WAYNE METROPOLITAN COMMUNITY  
ACTION AGENCY.

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS**

Plaintiff Damien Benson filed suit against Defendant Wayne Metropolitan Community Action Agency in this Court on September 20, 2018.

While Plaintiff's complaint does allege violations of federal law, including violations of Title VII of the Civil Rights Act of 1964, Plaintiff's complaint also presents claims based on state law, including violations of the Elliott-Larsen Civil Rights Act. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994); see also *Chambers v. Trettco, Inc.*, 614 N.W.2d 910, 918 (Mich. 2000) (observing that the employer's burden of proof in claims brought under Title VII is different than that for the same claims brought under Michigan's Elliott-Larsen Civil Rights Act).

Thus, pursuant to 28 U.S.C. § 1367(c), all of Plaintiff's state law claims including, but not limited to, violations of Michigan's Worker's Disability Compensation

Act, Persons with Disabilities Civil Rights Act (Count VI), and Elliott-Larsen Civil Rights Act (Count VII) are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: October 22, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 22, 2018, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager